

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

FREDDIE YOUNG

PETITIONER

VS.

CIVIL ACTION NO. 5:11CV102 DPJ-JMR

CHRISTOPHER EPPS, ET AL.

RESPONDENTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Roper recommended dismissal of Young's petition for writ of habeas corpus as untimely pursuant to 28 U.S.C. § 2244(d). Specifically, Judge Roper found Young's petition was over thirteen (13) years late. Petitioner filed an Objection, arguing that the Court should "over rid[e] the time bar and grant[ ] the hearing en banc on the merits of the petition [sic]." Objection [12] at 2. Petitioner has not alleged any circumstance that would warrant equitable or statutory tolling of the deadline. Accordingly, the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause and Petitioner's Objection, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge John M. Roper be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed with prejudice.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 14<sup>th</sup> day of February, 2012.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE